

To the Members of the California State Senate:

I am returning Senate Bill 823 without my signature.

This bill would establish the California Private Postsecondary Education Act of 2008 (Act), which would create the Bureau for Private Postsecondary Education (Bureau) within the Department of Consumer Affairs (DCA) to regulate private postsecondary educational institutions in California and establish various requirements, prohibitions, and standards for these institutions.

I have repeatedly stated that a reform act must be written clearly, should not be subject to varied interpretations, should treat schools as uniformly as possible, and provide reasonable roles and responsibilities for the Bureau. Our collective objective should be to successfully strike a balance between protecting students, while being firm, yet fair to schools. Unfortunately, this bill does not meet those goals. Instead, this bill would create a statute that would be a challenge to successfully implement. If a statute is not clearly drafted, reasonably enforceable, or easily understandable to students, schools, and regulators, no one is well served.

Though I am vetoing this bill, I am directing the Department of Consumer Affairs to continue its efforts to educate students about their rights and responsibilities, and to encourage schools to provide students with meaningful disclosures and engage in sound business practices. I am also encouraging the DCA Director to use her existing authority to investigate complaints from students and schools.

I encourage the Legislature to pass a bill early in the next session that proposes a regulatory framework that can be successful.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger